## REMARKS

In the December 9, 2004 Office Action, claims 1, 2, 6, 7, 10-13, 22 and 23 stand rejected in view of prior art, while claims 3-5, 8, 9 and 14-21 were withdrawn from consideration as being directed to non-elected species. No other objections or rejections were made in the Office Action.

### *Status of Claims and Amendments*

In response to the July 2, 2004 Office Action, Applicant has amended independent claims 22 and 23 as indicated above and cancelled claims 1, 2, 7, 10-13, 24-29 and 35-42. Moreover, Applicant has amended the dependency of claims 2, 6, 7, 10 and 13 to depend from independent claim 6. Furthermore, ***independent claim 6 remains unamended.*** Thus, Claims 3-6, 8, 9, 14-23 and 30-34 are pending, with claims 6, 22 and 23 being the only independent claims. Reexamination and reconsideration of the pending claims are respectfully requested in view of above amendments and the following comments.

### *Premature Final*

Applicant requests that the finality of the rejection be withdrawn and this amendment be entered as a matter of right. In particular, claims 2, 6, 7, 10 and 13 were merely rewritten as independent claims in the last Amendment. In other words, the amendments of these claims did not necessitate a new rejection. Thus, Applicant has been denied a fair opportunity to address this new rejection as it applies to claims 2, 6, 7, 10 and 13.

### *Interview Summary*

On March 2, 2005, the undersigned conducted an interview with Examiner Torres who is in charge of the above-identified patent application. Applicant wishes to thank Examiner Torres for the opportunity to discuss the above-identified patent application during the Interview of March 2, 2005.

During the March 2, 2005 interview, the limitations of claim 6 were discussed. It was agreed during the interview that independent claim 6 appear to be allowable over prior art of record. However, Examiner Torres indicated that a more detailed review of the claims and an additional search may be necessary to determine if the claims are allowable.

Also, it was agreed during the interview that the finality of the rejection was premature in that new rejections were applied against claims that were not amended in scope. For example, claims 2, 6, 7, 10 and 13 were merely rewritten as independent claims. In other words, the amendments of these claims did not necessitate new rejection. Examiner Torres agreed to withdraw the finality of the rejection upon the filing of a formal response.

***Election of Species***

Previously claims 3-5, 8, 9 and 14-21 were withdrawn from further consideration as being directed to non-elected species. However, Applicant respectfully requests that non-elected claims 3-5, 8, 9 and 14-21 be rejoined in this application upon allowance of a generic or linking claim, or claims. Specifically, non-elected claims 3-5, 8, 9 and 14-21 depend from claim 6, which Applicant believes is generic and allowable.

***Rejections - 35 U.S.C. § 103***

In numbered paragraphs 1 and 2 of the Office Action, claims 1, 2, 6, 7, 10-13 and 22-42 currently stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,511,859 (the Kade et al. patent) in view of U.S. Patent No. 5,707,115 (the Bodie et al. patent). In response, Applicant respectfully traverses this rejection as it is being applied against independent claim 6 and its dependent claims 3-5, 8, 9, 14-21 and 30-34. Also Applicant has amended independent claims 22 and 23 to include the limitations of original claim 6. Finally, Applicant has cancelled claims 1, 2, 7, 10-13, 24-29 and 35-42, and amended the dependency of claims 2, 6, 7, 10 and 13 to depend from independent claim 6.

In particular, ***original*** claim 6, which was rewritten as an independent claim in the last amendment, a vehicle braking apparatus is recited that includes a regenerative power supply pathway configured and arranged to ***directly*** supply power regenerated by the regenerative braking apparatus to the electric braking apparatus. The combination of the Kade et al. patent and the Bodie et al. patent fails to disclose this arrangement. Both the Kade et al. patent and the Bodic et al. patent disclose the regenerative power supply pathway supply power to the battery, ***not directly*** to the electric brakes as claimed. Thus, this limitation of independent claim 6 is ***not*** disclosed or suggested by the combination of the Kade et al. patent and the Bodie et al. patent.

It is well settled in U.S. patent law that the mere fact that the prior art can be modified does ***not*** make the modification obvious, unless the prior art ***suggests*** the desirability of the modification. Accordingly, the prior art of record lacks any suggestion or expectation of success for combining the patents to create the Applicant's unique arrangement. Therefore, Applicant respectfully submits that claim 6 is not render obvious by the prior art of record. Withdrawal of this rejection is respectfully requested as it is applied to independent claim 6 and its dependent claims.

Regarding independent claim 22, this claim recites a vehicle braking apparatus including

> regenerative power supply means for directly supplying power regenerated by the regenerative braking means to the electric braking means via a direct pathway.

Thus, independent claim 22 contains similar language to independent claim 6. Thus, Applicant respectfully submits that independent claim 22 is not render obvious by the prior art of record for the same reasons discussed above with respect to independent claim 6.

Regarding independent claim 23, this claim recites a method including the step of

> selectively supplying power regenerated by the regenerative braking apparatus to the electric braking apparatus through a regenerative power supply pathway that is configured and arranged to directly supply the power regenerated by the regenerative braking apparatus to the electric braking apparatus.

Thus, independent claim 23 contains similar language to independent claim 6. Thus, Applicant respectfully submits that independent claim 22 is not render obvious by the prior art of record for the same reasons discussed above with respect to independent claim 6.

Withdrawal of this rejection is respectfully requested as it is applied to independent claims 22 and 42.

***Prior Art Citation***

In the Office Action, an additional prior art reference was made of record. Applicant believes that this reference does not render the claimed invention obvious.

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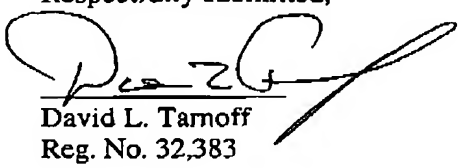
In view of the foregoing amendment and comments, Applicant respectfully asserts that claims 3-6, 8, 9, 14-23 and 30-34 are now in condition for allowance. Reexamination and reconsideration of the pending claims are respectfully requested.

Respectfully submitted,



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